UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

JACK REESE, FRANCES ELAINE PIDDE, JAMES CICHANOFSKY, ROGER MILLER, GEORGE NOWLIN, and RONALD HITT, Plaintiffs,))))	
v.)	Case No. 2:04CV70592
CNH GLOBAL N.V. and CNH AMERICA LLC, Defendants.)))	Hon. Patrick J. Duggan, U.S.D.J. Hon. Steven D. Pepe, U.S. Mag. J.
	_)	

JUDGMENT

On February 18, 2004, Plaintiffs initiated this class action seeking: (a) a declaratory judgment that they and their surviving spouses have a vested right to lifetime health care benefits from CNH America LLC; (b) mental distress damages; and (c) permanent injunctive relief. (*See* R. 1 at 6-7.) On May 6, 2005, Plaintiffs amended their complaint to add CNH Global N.V. as a defendant. (*See* R. 59 ¶ 5.) In accordance with the stipulated Order of November 16, 2007, the plaintiff class in this case is defined to be:

All former bargaining unit employees who retired under the Case Corporation Pension Plan for Hourly Paid Employees after July 1, 1994, and who retired on or before April 1, 2005 (other than former employees eligible for or receiving retirement benefits under the deferred vested provisions of the Pension Plan and former employees hired after May 18, 1998), and all surviving spouses of those former bargaining unit employees.

(R. 223¶ 5.) (Judith Myers, the spouse of a member of the class in the companion case of *Yolton v. El Paso Tennessee Pipeline Co.*, No. 02-75164 (E.D. Mich. filed Dec. 23, 2002), did

not elect to be included in the relief provided to persons retiring between December 1, 2004, and April 1, 2005, and thus is entitled to no relief in this case.)

IT IS ORDERED, ADJUDGED, AND DECREED, that:

- 1. This Court has subject matter jurisdiction and venue over this action and personal jurisdiction over the parties as set forth in the Court's Opinions and Orders dated February 14 (R. 53) and November 15, 2005 (R. 83).
- 2. For the reasons set forth in an Opinion and Order issued on August 29, 2007 (R. 214), this Court declares, adjudges, and decrees that the plaintiff class is hereby entitled to vested lifetime retiree health care benefits from CNH America LLC as provided for in the labor agreements in effect at the time of their or their deceased spouses' retirement **and dismisses**Plaintiffs' unripe claims for emotional distress damages without prejudice.
- 3. In accordance with the Stipulated Order entered on January, 14, 2008 (R. 226), CNH Global N.V. is hereby ordered to guarantee CNH America LLC's performance of the obligations to the plaintiff class described herein.
- 4. For the reasons set forth in an Opinion and Order issued on August 29, 2007 (R. 212), Plaintiff Ronald Hitt's claims against CNH America LLC and CNH Global N.V. are hereby dismissed without prejudice, so that they can be resolved in *Yolton*, in which Mr. Hitt is already a class member.
 - 5. Plaintiffs' request for a permanent injunction is withdrawn without prejudice.

6. This is a final judgment of this action. It is further ordered that the Clerk of the Court shall terminate this action from the dockets of this Court.

SO ORDERED.

Dated: February 15, 2008

<u>s/PATRICK J. DUGGAN</u> UNITED STATES DISTRICT JUDGE

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